



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
March 9, 2021**

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04-21

EBE:ebe

A regular meeting of the Board of Supervisors was called to order at 2:02 p.m. and was conducted wholly electronically using Fairfax County's videoconferencing system because the COVID-19 pandemic made it unsafe to physically assemble a quorum in one location or to have the public present. The meeting was accessible to the public through live broadcast on Channel 16, live video stream, and live audio. Chairman McKay presided over the meeting and participated with Supervisor Penelope A. Gross, Mason District, at the Government Center and the following Supervisors participated remotely from their respective District Offices:

- Supervisor Walter L. Alcorn, Hunter Mill District
- Supervisor John W. Foust, Dranesville District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Rodney L. Lusk, Lee District
- Supervisor Dalia A. Palchik, Providence District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James R. Walkinshaw, Braddock District

Others present during the meeting were Bryan J. Hill, County Executive; Elizabeth Teare, County Attorney; Jill G. Cooper, Clerk for the Board of Supervisors; Dottie Steele, Chief Deputy Clerk for the Board of Supervisors; Ekua Brew-Ewool, Emily Armstrong, and Kecia Kendall, Deputy Clerks, Department of Clerk Services.

BOARD MATTERS

1. **ORDERS OF THE DAY** (2:03 p.m.)

Chairman McKay stated that the Board is again meeting virtually. The ability to do this is permitted by the ongoing state and local declarations of emergency due to COVID-19, the continuity in government ordinance on April 14, 2020, and the 2020 budget amendments that were approved by the Virginia General Assembly on April 22, 2020. Speakers were made aware of their continuing options to provide phone or video testimony.

He stated that because most members of the Board are participating in the meeting from his or her respective Board office, it must be verified that a quorum of Members is participating and that each Member's voice is clear, audible, and at an appropriate volume for all of the other Members. Therefore, Chairman McKay conducted a roll call and asked each Member to confirm that they could hear each other's voices.

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board certify for the record that each Member's voice may be adequately heard by each other member of this Board. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Chairman McKay moved that the Board certify that the State of Emergency caused by the COVID-19 outbreak makes it unsafe or impracticable for speakers, staff, applicants, the public, and others to attend this meeting in person, and that as such, an in-person meeting cannot be implemented safely or practically. As a result, Chairman McKay further moved that the Board conduct this meeting electronically through a dedicated video conference line, and that the public may access this meeting via simultaneous telecast on Channel 16, or video streaming, or hear a live audio feed of the meeting by dialing 703-324-5300, and the public may participate in public hearings by established phone lines, YouTube submissions, or through written testimony. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Chairman McKay further moved that the Board certify that all matters on the agenda today concern the emergency, and/or are related to ensuring continuity in Fairfax County government under the Ordinance adopted by the Board on April 14, 2020, and/or this meeting's purpose is to discuss or transact the business statutorily required or necessary to continue operations of this Board and the

discharge of this Board's lawful purposes, duties, and responsibilities. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

2. **MOMENT OF SILENCE** (2:07 p.m.)

Chairman McKay stated that:

- COVID-19 is affecting the whole community, from children to small businesses, to those who are ill with the virus. He asked to keep everyone in Fairfax, and around the world, in thoughts and prayers during this difficult time
- The Fairfax County flag continues to fly at half-staff at all County facilities in honor of the residents who have died from COVID-19 and in recognition of the many essential workers who are responding to the pandemic
- Sunday March 1, 2021, marks the one-year anniversary of the first confirmed case of COVID-19 in Fort Belvoir, and since then, there have been nearly 70,000 confirmed cases, 3,617 hospitalizations, and 1,036 deaths of neighbors and members in the community

The Board asked everyone to keep in thoughts the family and friends of the following people who died recently:

- James "Jim" A. Todd, a renowned real estate advisor and investor in the county. He was the president of JWT Incorporated and was the President of the Peterson Companies in the D.C. area
- Erin Haley, a Planner in the Department of Planning and Development. She had leadership qualities and was a friend and mentor to many
- Lawrence Wesley Thomas, Jr., who worked for the County for 30 years until his retirement in 2017. He was the courier for the Board offices and a fan of the Washington D.C.'s sport teams. He coached little league softball and played on softball teams in the County
- Beth Schatz, Executive Director, Langley Residential Support Services. She was the first full-time Director of the program and served for many years. She had extensive knowledge and experience in serving adults with intellectual disabilities
- Charles "Bucky" Sill, who was a longtime Clifton resident, Isaac Walton League leader, and one of the founders of Centerville High School's Air

Rifle team. His volunteer work spans decades and was famous for his barbecue cooking, available during the Clifton Car Show and Clifton Days

- Gae Giguere “Mrs. G”, who was very active in the Woodley Hills Estate community and served as the treasurer for the Woodley Hills Estate Community Association, since its inception in the 1980s.

AGENDA ITEMS

3. **RESOLUTION OF RECOGNITION PRESENTED TO TISHA DEEGHAN, FORMER DEPUTY COUNTY EXECUTIVE** (2:20 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Tisha Deeghan, former Deputy County Executive, for her many years of service to Fairfax County. The motion was multiply seconded. Following discussion among the Board regarding her contributions to the County, the question was called on the motion, and it carried by unanimous.

Vice-Chairman Gross returned the gavel to Chairman McKay.

4. **2 P.M. REPORT ON GENERAL ASSEMBLY (GA) ACTIVITIES** (2:32 p.m.)

Supervisor Walkinshaw, Chairman of the Legislative Committee, noted that the regular session of the GA adjourned on March 1, 2021. He stated that a draft of the final report had been previously distributed to the Board, and a final version of the report will be posted on the Board’s web page next week.

Supervisor Walkinshaw noted the following:

Looking at the session by the numbers of bills before the GA, underscores the volume of bills that were considered this year by the GA and the Board. Supervisor Walkinshaw noted the following:

- 1,760 bills and resolutions were introduced
- 931 bills were reviewed by County operational and legal staff
- The Board took formal positions on 94 bills

The Board originally opposed or sought to amend 24 bills; at the end of the session, one bill remained in that category. That bill was amended late in the session to help alleviate many of the County’s concerns.

Supervisor Walkinshaw stated that the GA passed its budget amendments on February 27, 2021, and the budget includes funding for a study for the

Commonwealth's Attorneys' offices, including specific language addressing the County's legislative initiative on which is a good outcome for a complicated issue.

Supervisor Walkinshaw stated that the budget includes increased funding for cost of competing adjustment for grades K-12 support positions, which has long been a County priority. The budget also includes funding for the state share for grades K-12 salary increases of up to five percent (the language includes several caveats, including the requirement that localities offer at least an average of a two percent increase over the biennium in order to qualify for a state match). Supervisor Walkinshaw noted that the Commonwealth only provides funding for the state's portion of salaries based on the Local Composite Index (LCI), and only funds positions recognized in the state Standards of Quality. As a result, the net cost for Fairfax County Public Schools (FCPS), for a five percent increase would be \$100.4 million, while the state cost would be \$22.4 million. Even if FCPS were to only provide the two percent increase to draw down state funding, the net cost to FCPS would be \$40.2 million, while the state cost would be \$8.9 million.

Supervisor Walkinshaw stated that the budget did include \$25 million in FY 2022 for the Stormwater Local Assistance Fund (SLAF) and \$32.4 million in regional funding for the Washington Metropolitan Area Transit Authority (WMATA) Capital Fund. Approximately \$22 million of funding is likely to cover the Commonwealth's WMATA obligation, and the remaining amount (approximately \$10 million) will be provided to Northern Virginia Transportation Commission (NVTC) to reduce the FY 2022 operational obligations of its member jurisdictions, as the revenues localities use to provide their funding for WMATA service have also been adversely impacted by the pandemic.

Supervisor Walkinshaw highlighted measures passed by the GA, which includes three of the following County's legislative initiatives:

- HB 1919 (Kay Kory, (D) – House District 38), which would provide localities authority to establish green banks
- HB 1927 (Mark D. Sickles, (D) – House District 43), which will allow the County to expand the membership of the Fairfax County Economic Development Authority (EDA) from seven members to nine members
- SB 1208 (George L. Barker, (D) – House District 39), which would allow continuity in government ordinances adopted to remain in effect for up to twelve months following a disaster

Supervisor Walkinshaw stated that the GA passed several bills related to the COVID-19 pandemic, as well as legislation relating to elections and the environment.

Supervisor Walkinshaw recognized the legislative staff and thanked them for their hard work and dedication to during the GA Session.

Supervisor Walkinshaw moved that the Board adopt the 2021 GA Final Legislative Report. Chairman McKay seconded the motion and it carried by a vote of nine, with Supervisor Herrity voting “NAY.”

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BOARD MATTERS

5. **PROCLAMATION REQUEST FOR HELEN CUERVO** (2:48 p.m.)

Chairman McKay relinquished the gavel to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare a proclamation recognizing and thanking Helen Cuervo, Northern Virginia Transportation Authority member and Virginia Department of Transportation (VDOT) NoVA District Administrator, for her 33 years of work with VDOT, to be presented out of the Board Room. Without objection, it was so ordered.

6. **PROCLAMATION REQUEST DESIGNATING MARCH AS “ALTERNATIVE DISPUTE RESOLUTION MONTH”** (2:48 p.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a proclamation designating March as “*Alternative Dispute Resolution Month*,” to be presented out of the Board Room. Without objection, it was so ordered.

7. **PROCLAMATION REQUEST DESIGNATING MARCH AS “DEVELOPMENTAL DISABILITIES INCLUSION MONTH”** (2:48 p.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a proclamation designating March as “*Developmental Disabilities Inclusion Month*,” to be presented out of the Board Room. Without objection, it was so ordered.

8. **PROCLAMATION REQUEST FOR OSHER LIFELONG LEARNING INSTITUTE AT GEORGE MASON UNIVERSITY** (2:48 p.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a proclamation recognizing 2021 as the 30th anniversary of the Osher Lifelong Learning Institute at George Mason University, to be presented out of the Board Room. Without objection, it was so ordered.

9. **PROCLAMATION REQUEST DESIGNATING APRIL AS “NATIONAL POETRY MONTH”**

Chairman McKay asked unanimous consent that the Board direct staff to prepare a proclamation designating April as “*National Poetry Month*,” to be presented out of the Board Room. Without objection, it was so ordered.

10. **FOLLOW UP LETTER TO GOVERNOR ON LOCAL MATCH FOR TEACHER PAY RAISE/BONUS** (2:49 p.m.)

Chairman McKay stated that last month, the Board voted in favor of sending a letter to Governor Northam requesting that he do away with the local match requirement that coincided with his proposed two percent teacher pay raise/bonus.

Chairman McKay stated that while he and the many of the members of this Board support teacher raises in general, a local match would be difficult for the County. As illustrated in County Executive FY22 budget proposal, the County’s budget was negatively impacted by the COVID-19 pandemic. The County Executive had to close a budget shortfall of around \$40 million. This Board has committed significant funding towards a safe return of students to the classroom and supporting our residents from the public health and economic fallout.

Chairman McKay stated that in addition, while the County Executive’s proposed budget provided an increase in the transfer to the Fairfax County Public Schools’ (FCPS) Operating Fund of \$14.13 million, the Board knows that amount is not enough to fund the state-required match.

Chairman McKay stated that all of these items, in addition to a state budget surplus, led to this Board’s action on February 9, 2021, when Supervisor Walkinshaw and the Chairman asked for Board support to send a letter to Governor Northam requesting flexibility and the suspension of the local match requirement.

Chairman McKay stated that now that the Senate and House of Delegates have passed a final budget for review by the Governor, he would like to send a follow up letter reiterating the Board’s concerns to the Governor and again highlighting the strain a local match would add to the County’s budget.

Therefore, jointly with Supervisor Walkinshaw, Chairman McKay moved that the Board direct staff to draft a follow-up letter to Governor Northam reiterating the Board’s concerns and again highlighting the strain a local match would add to the County’s budget. Supervisor Walkinshaw seconded the motion and it carried by unanimous vote.

11. **LETTER TO FEDERAL AVIATION ADMINISTRATION (FAA) REGARDING POLICY CHANGES PERTAINING TO AIRPORT NOISE** (2:50 p.m.)

Chairman McKay stated that the FAA recently concluded a nationwide survey of annoyance related to civilian aircraft. The results of the survey have shown that in

recent years, lower decibel levels of aircraft noise have caused higher levels of annoyance for residents living near airports.

Chairman McKay stated that the survey and other research programs on civil aircraft noise sponsored by the FAA could be used to inform future aircraft noise policy. Before any policy changes are made, the FAA is inviting public comment on the scope and applicability of their research initiatives to address aircraft noise.

Chairman McKay stated that as Fairfax County is home to two major airports, the impacts airport activity can have on our surrounding communities is known all too well. Chairman McKay stated that staff has prepared a draft letter of recommendations of future studies and analysis for the FAA to consider, which is attached to his written Board Matter and background of the survey and the draft letter has been shared with the Board members.

Therefore, Chairman McKay moved that the Board authorize the Chairman to sign the letter attached to his written Board Matter to the FAA with comments and recommendations for further studies prior to any policy changes regarding aircraft noise. Supervisor Gross seconded the motion.

Discussion ensued between the Board, with input from Barbara Byron, Director, Department of Planning and Development, regarding the following:

- Airports Advisor Committee review of the letter
- Opportunities for the public to comment
- 20-year timeframe for aircraft noise

Following the discussion, the question was called on the motion and it carried by a vote of nine, with Supervisor Alcorn abstaining.

Vice-Chairman Gross returned the gavel to Chairman McKay.

12. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)**
(3:02 p.m.)

Supervisor Gross announced that she had no Board Matters to present today.

13. **NO BOARD MATTERS FOR SUPERVISOR WALKINSHAW (BRADDOCK DISTRICT)** (3:02 p.m.)

Supervisor Walkinshaw announced that he had no Board Matters to present today.

14. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (3:02 p.m.)

Supervisor Foust announced that he had no Board Matters to present today.

15. **REQUEST FOR A CERTIFICATE OF RECOGNITION FOR THE JAMES MADISON HIGH SCHOOL GIRLS BASKETBALL TEAM** (3:02 p.m.)

Supervisor Alcorn announced that the James Madison High School Girls Basketball team won the Virginia Class 6 championship at the end of February. This is especially noteworthy since the team was not able to play their championship game last year due to the pandemic, although they were named Class 6 co-champions with Edison High School. After a year of many sacrifices by these student athletes, it was exciting to learn that they won the crown at their home gym.

Therefore, jointly with Supervisor Palchik and Supervisor Smith, Supervisor Alcorn asked unanimous consent that the Board direct staff to prepare a certificate of recognition for the basketball team and Coach Kirsten Stone, for winning the Virginia Class 6 State Championship, to be presented to the team this spring as conditions warrant. Without objection, it was so ordered.

16. **REQUEST FOR A CERTIFICATE OF RECOGNITION FOR THE SOUTH LAKES HIGH SCHOOL BOYS INDOOR TRACK TEAM** (3:03 p.m.)

Supervisor Alcorn announced that the South Lakes High School Boys Indoor Track Team won the Virginia Class 6 Indoor State Championships in Virginia Beach on March 1, 2021. In addition, South Lakes team members set personal records in the 500 meters and Triple Jump track events. On the way to the state championship, the boys team defended their regional title for a second year in a row scoring a resounding victory over other area high schools at Chantilly High School. It is always exciting to see student athletes succeed, but especially so during the pandemic.

Therefore, Supervisor Alcorn asked unanimous consent that the Board direct staff to prepare a certificate of recognition for the track team and Coach Scott Racsko, for winning the Virginia Class State Championship, to be presented this spring as conditions warrant. Without objection, it was so ordered.

17. **ENDORSEMENT OF THE DEPARTMENT OF TRANSPORTATION'S (FCDOT) APPLICATION FOR FUNDING THROUGH THE FY 2021 INFRASTRUCTURE FOR REBUILDING AMERICA (INFRA) GRANT PROGRAM** (3:04 p.m.)

- (R) Supervisor Alcorn stated that the Department of Transportation (FCDOT) is seeking the Board's support for an application for funding through the United States Department of Transportation's (USDOT) Infrastructure for Rebuilding America (INFRA) discretionary grant program for the Richmond Highway Widening (Sherwood Hall Lane to Mount Vernon Highway) project.

Supervisor Alcorn stated that the Richmond Highway Widening project will address numerous transportation challenges such as chronic congestion, costly delays, and safety issues for motorists, pedestrians, and cyclists. These challenges will be addressed through the implementation of critical multimodal improvements, such as widening this section of highway from four to six lanes, intersection improvements, secure crossings, an off-road bicycle path, and continuous sidewalks. It will provide a median reservation for Bus Rapid Transit (BRT).

Supervisor Alcorn stated that the total estimated project cost for the Richmond Highway widening is \$415 million. The project currently has approximately \$348 million programmed through local, regional, state, and federal funding sources. FCDOT will request up to \$67 million in INFRA grant funding to complete funding for the project. The INFRA grant submission is due March 19, 2021. The Notice of Funding Opportunity was just released on February 17, 2021.

Therefore, jointly with Chairman McKay, Supervisor Lusk, and Supervisor Storck, Supervisor Alcorn moved that the Board approve the resolution attached to his written Board Matter for the Department of Transportation's application for federal funding from the FY 2021 INFRA Grant Program. Chairman McKay, Supervisor Lusk, and Supervisor Storck jointly seconded the motion and it carried by unanimous vote.

18. **REQUEST FOR CONCURRENT PROCESSING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2013-LE-014 (SELECT PROPERTY, LLC)** (3:06 p.m.)

Supervisor Lusk stated that Select Property, LLC (the "Applicant") is the owner of approximately 0.72 acre located in the northwest quadrant of the intersection of South Van Dorn Street and McGuin Drive. The Applicant is the owner and operator of Select Auto Imports, Inc., which has been operating on the property since 1987. The property is currently zoned to the R-1 District, which was mistakenly represented on the County's zoning map as C-6, and the C-6 District. The Applicant proposes a rezoning on the entire property to the C-6 District with a special exception amendment and a variance application. The proposal includes the construction of improvements to the existing vehicle sale, rental and ancillary service establishment, as previously approved by special exception referenced as SE 2013-LE-014. The Applicant proposes to demolish existing improvements and construct a new two-story vehicle sales facility with vehicle display and storage areas.

Supervisor Lusk stated that all three pending land use applications are currently being processed by the Department of Planning and Development. The rezoning and special exception amendment requests are scheduled for a hearing before the Planning Commission on May 26, 2021. The variance application will be heard at a separate hearing before the Board of Zoning Appeals that has yet been scheduled.

Supervisor Lusk stated that the Applicant is anxious to continue its successful business on the Application Property and begin construction of a building as soon as possible.

Due to that, a request has been submitted for concurrent processing and the scheduling of a hearing before the Board as soon as possible.

Therefore, Supervisor Lusk moved that the Board direct staff to accept for concurrent and simultaneous processing a site plan, building plans, and any other drawings as may be required in conjunction with the improvements proposed with Special Exception Amendment Application SEA 2013-LE-014. Supervisor Lusk further moved that the Board direct staff to schedule a hearing date before the Board for Special Exception Amendment Application SEA 2013-LE-014. Chairman McKay and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

19. **ADOPTION OF THE AUDITOR OF THE BOARD'S MARCH 2021 QUARTERLY REPORT AND APPROVAL OF THE AUDIT COMMITTEE WORK PLAN FOR THE UPCOMING QUARTER** (3:10 p.m.)

Supervisor Storck stated that the Board has received the Auditor of the Board's Quarterly Report for March 2021. The report included the following study areas, recommendations, and managements' concurrence.

March 2021 Quarterly Report:

- **Recovered Costs Study (DFS):**
 - Auditor recommends staff:
 - Review the County & City of Fairfax Memorandum of Agreement (MOA) to document and update the Aging Services billing amount
 - Review the County & City of Falls Church MOA for updates to the Aging Services billing amount
 - Assess the feasibility of billing and collecting for unbilled Shelter Services
 - Develop and implement a billing methodology for Domestic Violence Shelter Services
 - Develop and implement a billing methodology for Case Management Services
 - Develop and implement a billing methodology for Hypothermia Prevention Services
- **Fire Marshal Fees Study:**

- Auditor recommends staff:
 - Provide issued permit files to the Department of Tax Administration (DTA) & liaise w/ Department of Planning and Development (DPD) to issue Business, Professional and Occupational License (BPOL) applications
 - Incorporate automated exception reporting in PLUS for expired permits
 - Bring expired permits into compliance

Supervisor Storck stated that management has agreed with the recommendations and therefore, Supervisor Storck moved that the Board adopt the Auditor of the Board's March 2021 Quarterly Report and approve the Audit Committee Work Plan, attached to his written Board Matter, for the upcoming quarter. Supervisor Lusk seconded the motion and it carried by unanimous vote.

20. **LETTER SENT TO THE GOVERNOR FOR EMERGENCY CLAUSE ON SB 1457 REGARDING THE RIVER FARM PROPERTY** (3:11 p.m.)

Supervisor Storck stated that River Farm, located on more than 27 acres on the Potomac River, is considered a local institution in the Mount Vernon District. It is full of history, heritage, and natural beauty. The property was acquired by George Washington in 1760. as the northernmost farm of the five farms his family owned, it has gone through many different owners and many different names throughout its history. As a result of the generosity of philanthropist and gardener Enid Annenberg Haupt, who was on the Board of Directors of the American Horticultural Society (AHS), AHS was able to purchase the 27 acres, agreeing to keep the property open to the public in 1973. The property was named River Farm, which is particularly appropriate given the connection to George Washington, one of our nation's first great gardeners and horticulturists. In 1973, AHS moved its headquarters from the City of Alexandria to River Farm. First Lady Pat Nixon joined Mrs. Haupt at the dedication of the property and together they planted a ceremonial dogwood tree in the garden. River Farm has long been a living representation of the principles and organizational vision of raising awareness about and fostering sustainable, earth-friendly gardening and horticultural practices.

Supervisor Storck stated that unfortunately, in September 2020, the County and the community were shocked and saddened by the news that the AHS Board of Directors intended to sell the River Farm property. That news has generated substantial discussion about the best options to ensure that River Farm remains an asset to the community and its historic significance is preserved and enhanced. Locally, the County is in the process of creating a Wellington at River Farm Historic Overlay District, on the River Farm property. At the state level, the recently concluded Virginia General Assembly passed legislation, SB 1457 (Surovell), which strengthens Fairfax

County's land use authority to ensure historic areas are appropriately protected. The County supported this legislation during the session, as well as state budget amendments providing \$2 million to help NOVA Parks purchase River Farm – AHS has recently rejected that proposal, and as a result of that action, the County has had discussions with our state delegation about adding an emergency clause to SB 1457, allowing the bill to take effect immediately upon the Governor's signature if approved by the General Assembly at the April reconvened session, rather than on July 1, 2021. This is a once in a lifetime opportunity to preserve a piece of our history. It is important that the Board utilizes all the tools it has available to continue to move this process forward.

Therefore, jointly with Chairman McKay, Supervisor Storck moved that the Board direct staff to send a letter to the Governor, under the Chairman's signature, asking him to add an emergency clause to SB 1457. Chairman McKay seconded the motion and it carried by unanimous vote.

21. **PROCLAMATION REQUEST FOR LINDA BYRNE** (3:14 p.m.)

Supervisor Palchik stated that the Friends of Oakton Library was founded in 2001 in response to community enthusiasm for creation of the new branch. Linda Byrne, who previously worked in the Providence Office with former Supervisor Linda Smyth, will be retiring from the Friends of Oakton Library board.

Supervisor Palchik stated that Ms. Byrne started in the Providence District Supervisor's office in the latter part of 2007 and while she did a bit of everything, she worked on the "Providence Perspective" Oral History Project from the time she started in the office until the last day she was there. She was also involved in countless volunteer groups and was honored as Lady Fairfax from Providence District in 2007 and Community Champion, along with other Oakton Women's Club members, in 2019.

Supervisor Palchik stated that Ms. Byrne's commitment to the Oakton Library goes back years as she is one of the founding members of the Friends group and has been on the Board for a long time. Additionally, she was associated with Options for Oakton which is a citizens-organized group trying to make good use of the future library property that was to be sold. Options for Oakton eventually got the go-ahead for the Oakton library, partly because of Ms. Byrne's involvement.

Therefore, Supervisor Palchik moved that the Board direct staff to prepare a proclamation thanking Linda Byrne her for her service and determination to make a positive difference in Fairfax County, to be presented at a future Board meeting or out of the Board Room as conditions dictate. Chairman McKay seconded the motion and it carried by unanimous vote.

22. **PROCLAMATION REQUEST DESIGNATING MARCH 31, 2021, AS "TRANSGENDER VISIBILITY DAY"** (3:16 p.m.)

Supervisor Palchik stated that March 31, as “*International Transgender Day of Visibility*,” is dedicated to celebrating the representation, accomplishments, and victories of transgender and gender expansive people, while raising awareness of the significant work which still needs to be done to save lives. People can acknowledge the resilience of transgender and gender expansive individuals through history and how they have contributed to the betterment of the society. Supervisor Palchik stated that the County is the proud home of the TransGender Education Association (TGEA) of Greater Washington, whose mission is to support individuals in gender transition and the communities into which they are transitioning. In alignment with the County’s One Fairfax policy, the Board is reaffirming its commitment to build a culture of inclusion and acceptance of transgender and gender expansive individuals the community.

Therefore, jointly with Supervisor Foust, Supervisor Palchik moved that the Board direct staff to prepare a proclamation designating March 31, 2021, as “*Transgender Visibility Day*” in Fairfax County, to be presented to the TransGender Education Association of Greater Washington (TGEA). Chairman McKay and Supervisor Foust jointly seconded the motion and it carried by a vote of nine, with Supervisor Herrity being out of the room.

23. **PROCLAMATION REQUEST DESIGNATING APRIL AS “CHILD ABUSE PREVENTION MONTH”** (3:18 p.m.)

Supervisor Palchik stated that April is a time to recognize the importance of families and communities working together to prevent child abuse. In the 2019, Child Maltreatment Report from the U.S. Department of Health & Human Services, it was stated that there were 656, 243 victims of child abuse and neglect. Here at home in Fairfax County, there are over 3,000 children involved with Child Protective Services assessments and investigations each year.

Supervisor Palchik stated that children’s lives can be positively changed and even saved by active and aware community members making that critically important decision to ask more questions and offer help. It is known through research that adverse childhood experiences like child abuse result in long term health impacts. Fortunately, the trauma of child abuse and neglect is preventable.

Supervisor Palchik stated that every child deserves to grow up in a safe, nurturing, and stable environment and the County is dedicated to the safety of children and providing the appropriate supports to parents to keep families healthy.

Therefore, jointly with Supervisor Lusk, Supervisor Palchik asked unanimous consent that the Board direct staff to prepare a proclamation designating April as “*Child Abuse Prevention Month*” in Fairfax County, to be presented at the Board’s meeting on March 23, 2021. Without objection, it was so ordered.

24. **PROCLAMATION REQUEST FOR THE WEST SPRINGFIELD HIGH SCHOOL BOYS TRACK TEAM** (3:20 p.m.)

Supervisor Herrity stated that as a former Spartan, he was proud to see the great success that the West Springfield High School Boys' Track 4x800 relay team accomplished at the state finals. In February, a COVID exposure and 14-day quarantine led to them having to forgo practices and the district tournament. This meant that the Spartan runners could not qualify individually for state titles, but they could still qualify as a team.

Supervisor Herrity stated that instead of letting the pandemic bring them down, the boys continued to train and work out on their own during quarantine, making the most of an unfortunate situation. When they came back from quarantine, they had one practice before going on to win the region and state titles for the 4x800 relay.

Therefore, jointly with Supervisor Lusk, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a proclamation recognizing the West Springfield Boys 4x800 team for winning the Virginia High School Class 6 State Championship and for their dedication as a team to overcoming adversity, to be presented out of the Board Room. Without objection, it was so ordered.

25. **2021 FAIRFAX COUNTY TEEN JOB FAIRS** (3:22 p.m.)

Supervisor Herrity stated that the first teen job fair would be held on March 13, 2021, and the second one would be held on March 20, 2021. He shared information on how to register for the teen job fairs and invited the community to attend the events.

26. **APPRECIATION FOR THE HEALTH DEPARTMENT AND REQUEST FOR AN UPDATE AND INFORMATION ON THE VACCINE PROCESS** (3:23 p.m.)

Supervisor Herrity thanked the Health Department for their hard work on combating the pandemic. The Board asked for a status update on the questions raised by the Board at a recent meeting. The Board requested information regarding the online list and where the vaccines are being utilized.

Bryan Hill, County Executive, shared that updates and improvements are constantly being made and they will be shared with the Board, as they occur.

Supervisor Palchik requested that the questions received be compiled and that and the responses be shared with the Board.

27. **REQUEST FOR A CERTIFICATE OF RECOGNITION FOR THE CENTREVILLE HIGH SCHOOL BOYS' BASKETBALL TEAM** (3:31 p.m.)

Supervisor Smith congratulated the Centreville High School boys' basketball team for winning the Virginia Class 6 State Championship on February 20, 2021, at Centreville High School.

Supervisor Smith shared that last year, the Centreville High School team reached the state championship game, but due to COVID-19, the finals were canceled and the teams that reached the finals were named co-champions. This team persevered and had the opportunity to reach the finals again and play in the championship game and bring the trophy home to the County.

Therefore, jointly with Supervisor Herrity, Supervisor Smith asked unanimous consent that the Board direct staff to prepare a certificate of recognition for the Centreville High School Boys Basketball Team for their outstanding achievement, to be presented at a future Board meeting virtually or out of the Board Room as conditions dictate. Without objection, it was so ordered.

EA:ea

AGENDA ITEMS

28. **ADMINISTRATIVE ITEMS** (3:33 p.m.)

Supervisor Gross moved approval of the Administrative Items.

Supervisor Gross asked to consider Admin 8 – Authorization to Advertise Publication of the FY 2022 Budget and Required Tax Rates, the FY 2022 Effective Tax Rate Increase, and the Advertised Capital Improvement Program for Fiscal Years 2022-2026 (With Future Fiscal Years to 2031) separately.

Chairman McKay seconded the motion.

The question was called on the motion to approve the Administrative Items, with the exception of Admin 8, and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE."

ADMIN 1 – STREET INTO THE SECONDARY SYSTEM (SPRINGFIELD DISTRICT)

(R) Approved the request that the street listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>

Hampton Reserve	Springfield	Chrisanthe Court
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ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONVEY BOARD-OWNED PROPERTY AT 10033 BLAKE LANE TO THE FAIRFAX COUNTY PARK AUTHORITY (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 13, 2021, at 3 p.m.**, regarding the proposed conveyance of Board-owned property to the Park Authority.

ADMIN 3 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF BURKE ROAD REALIGNMENT – APLOMADO DRIVE TO PARAKEET DRIVE (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 13, 2021, at 2:30 p.m.**, regarding the acquisition of certain land rights necessary for the construction of Project 2G40-087-003, Burke Road Realignment Aplomado Drive to Parakeet Drive, in Fund 40010, County and Regional Transportation Projects.

ADMIN 4 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF MOUNT VERNON MEMORIAL HIGHWAY TRAIL FROM GEORGE WASHINGTON’S GRISTMILL ENTRANCE TO SOUTHWOOD DRIVE (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 13, 2021, at 2:30 p.m.**, regarding the acquisition of certain land rights necessary for the construction of Project 2G40-088-026, Mount Vernon Memorial Highway Trail from George Washington’s Gristmill entrance to Southwood Drive, Fund 40010, County and Regional Transportation Projects.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND AND READOPT SECTION 67.1-10-2 OF THE FAIRFAX COUNTY CODE RELATING TO SEWER SERVICE CHARGES, BASE CHARGES, AVAILABILITY CHARGES, FIXTURE UNIT CHARGES, CHARGES FOR HAULED WASTEWATER, AND CLARIFICATION OF THE INTENT BEHIND BASE CHARGES ADJUSTMENTS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 13, 2021, at 3 p.m.** to consider an ordinance that proposes to amend and readopt *Fairfax County Code* Section 67.1-10-2, relating to sewer service charges,

base charges, availability charges, fixture unit charges, charges for hauled wastewater, and clarifying the intent behind adjustment of sewer base charges:

- 1) Re-affirming the sewer service charges for FY 2021, adjusting the sewer service charges for FY 2022 through FY 2025, and establishing the sewer service charges for FY 2026.
- 2) Re-affirming the base charges for FY 2021, adjusting the base charges for FY 2022 through FY 2025, and establishing the base charges for FY 2026.
- 3) Re-affirming the availability charges (including the fixture unit rate for nonresidential uses) for FY 2021, adjusting the availability charges for FY 2022 through FY 2025, and establishing the availability charges for FY 2026.
- 4) Re-affirming the hauled wastewater charges for FY 2021, adjusting the hauled wastewater charges for FY 2022 through FY 2025, and establishing the hauled wastewater charges for FY 2026.
- 5) Clarifying the intent behind base charge adjustments for upsized commercial water meters.

ADMIN 6 – AUTHORIZATION FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ASSOCIATED WITH THE EARLY HEAD START CHILD CARE PARTNERSHIP AND EXPANSION GRANT

Authorized the:

- Department of Neighborhood and Community Services to apply for and accept grant funding, if received, from the U.S. Department of Health and Human Services. Funding in the amount of \$1,088,550, including \$194,402 in Local Cash Match, will support the continuation of Early Head Start Child Care Partnership and Expansion services to 56 infants and toddlers and their families. This funding will support 11/11.0 FTE existing grant positions. No new grant positions are being requested with this funding
- Chairman of the Board, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 7 – AUTHORIZATION FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF

HEALTH AND HUMAN SERVICES FOR FUNDING ASSOCIATED WITH THE HEAD START AND EARLY HEAD START GRANT

Authorized the:

- Department of Neighborhood and Community Services to apply for and accept grant funding, if received, from the U.S. Department of Health and Human Services. Funding in the amount of \$10,058,820, including \$1,248,673 Local Cash Match, will support the continuation of Head Start and Early Head Start services to 658 children and their families. This funding will continue to support 52/45.6 FTE existing grant positions. No new grant positions are being requested with this funding
- Chairman of the Board, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 8 –AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FY 2022 BUDGET AND REQUIRED TAX RATES, THE FY 2022 EFFECTIVE TAX RATE INCREASE, AND THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FISCAL YEARS 2022-2026 (WITH FUTURE FISCAL YEARS TO 2031)

- (A) (NOTE: Earlier in the meeting, action was taken to consider this item separately. See Clerk's Summary Item CL #28.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize the advertisement of the publication of the FY 2022 advertised Budget; the effective tax rate increase; the advertised CIP; and required tax rates as outlined in Administrative Item 8 of the Board Agenda item. This includes the advertisement of a real estate tax rate of \$1.15 per \$100 of assessed value, which is the same as the current real estate tax rate. Supervisor Gross seconded the motion.

Supervisor Herrity discussed the impact real estate taxes has on the community amidst the COVID-19 pandemic. He also noted he would not be able to support the motion.

Supervisor Alcorn commented on the Board's need for flexibility so that tax reforms are able to reflect the current economic activity in the County.

Supervisor Lusk discussed the increased property value assessments in the Lee District and the possible need for salary adjustments for County staff.

Supervisor Alcorn explained that a flat tax bill would be ideal, but there are difficulties, given the current economic status and increased assessment values.

The question was called on the motion and it CARRIED by a recorded vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” with Supervisor Herrity voting “NAY.”

Vice-Chairman Gross returned the gavel to Chairman McKay.

ADMIN 9 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (MOUNT VERNON DISTRICT)

- (Rs)
- Endorsed the installation of “\$200 Additional Fine for Speeding” signs for the following roads:
 - Edinburgh Drive
 - Northumberland Road
 - Directed the Department of Transportation (DOT) to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs as soon as possible

ADMIN 10 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (MOUNT VERNON AND SPRINGFIELD DISTRICTS)

- (Rs)
- Endorsed the following traffic calming measures:
 - Two speed humps on 3rd Place (Mount Vernon District)
 - Five speed humps on Yates Ford Road (Springfield District)
 - Directed the Department of Transportation (DOT) to schedule the installation of the approved traffic calming measures as soon as possible

29. **A-1 - APPROVAL OF A RESOLUTION TO EXTEND THE CABLE FRANCHISE TERM OF VERIZON VIRGINIA LLC** (4:04 p.m.)

- (R) On motion by Supervisor Gross, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred with the recommendation of staff and:

- Adopted a resolution (Attachment 1 of the Board Agenda Item) authorizing the County Executive to execute an agreement with Verizon, extending the term of Verizon's cable franchise through March 31, 2022 (Attachment 2 of the Board Agenda Item)

30. **A-2 – APPROVAL OF BOND UNDERWRITER POOL** (4:05 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board approve Attachment 1 of the Board Agenda Item, listing the twelve firms recommended by the Selection Advisory Committee, to serve as potential underwriters for future negotiated bond sales. Supervisor Gross seconded the motion.

Supervisor Lusk asked about how firms were selected for the pool and whether they represented any minority business owners.

Joe LaHait, Debt Manager, Department of Management and Budget, stated that certain representatives in the pool were minority business owners.

The question was called on the motion, and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

31. **A-3 – PROPOSED REVISION TO THE BOARD POLICY ON THE USE OF STORMWATER FUNDS FOR STORMWATER SYSTEM IMPROVEMENTS IN THE RIGHT-OF-WAY** (4:07 p.m.)

Supervisor Storck moved that the Board revise the 2006 policy that restricts the use of stormwater funds for road projects, allowing Stormwater Tax funds to be used for stormwater improvements within the Virginia Department of Transportation (VDOT) right-of-way to address flood safety hazards and reduce structural flooding. Supervisor Gross seconded the motion.

Supervisor Foust discussed the high-cost impact of stormwater management for pedestrian projects and the lack of Board involvement in deciding where the funds are used.

Supervisor Gross asked staff to provide the board with additional information concerning the allocation of funds.

The question was called on the motion, and it carried by unanimous vote.

32. **A-4 - APPROVAL OF THE CALENDAR YEAR 2021 FOREST PEST MANAGEMENT PROGRAM** (4:12 p.m.)

Supervisor Storck moved that the Board concur in the recommendation of staff and approve the Calendar Year 2021 Forest Pest Management Program. Supervisor Gross seconded the motion and it carried by unanimous vote.

33. **A-5 - APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION 21223 TO ACCEPT GRANT FUNDING AND AUTHORIZATION TO EXECUTE PROJECT ADMINISTRATION AGREEMENTS WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE IMPLEMENTATION OF TRANSPORTATION ALTERNATIVES FUNDED PROJECTS (MASON, PROVIDENCE AND SPRINGFIELD DISTRICTS)**
(4:15 p.m.)

(Rs)
(SAR) Supervisor Alcorn moved that the Board concur in the recommendation of staff and:

- Approve Supplemental Appropriation Resolution AS 21223 for Fairfax County Department of Transportation (FCDOT) to accept grant funding from VDOT for three projects associated with the Transportation Alternatives Program in the amount of \$1.5 million and authorize the Director of FCDOT to enter into Standard Project Administration Agreements with the VDOT. The total required Local Cash Match of \$375,000 is available in Fund 40010, County and Regional Transportation Projects. There are no positions associated with these awards

Funding will specifically support the following projects:

- \$560,000, Shrevevood Elementary Safe Routes to School
- \$160,000, Orange Hunt Elementary Safe Routes to School
- \$780,000, Columbia Pike Complete Streets Phase I.

Supervisor Palchik seconded the motion and it carried by unanimous vote.

34. **A-6 - APPROVAL OF THE DISEASE CARRYING INSECTS PROGRAM (DCIP)** (4:16 p.m.)

Supervisor Storck moved that the Board concur in the recommendation of staff and approve the annual submission of the DCIP. Supervisor Gross seconded the motion and it carried by unanimous vote.

35. **A-7 - APPROVAL OF COMMENTS ON WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA'S) PROPOSED FY 2022 OPERATING AND FY2022-2027 CAPITAL IMPROVEMENT PROGRAM**
(4:17 p.m.)

Supervisor Alcorn moved that the Board concur in the recommendation of staff and approve a letter (Attachment 1 of the Board Agenda Item) conveying the County's comments on the proposed FY 2022 Operating Budget and FY 2022-2027 Capital Improvement Program to WMATA: Chairman McKay seconded the motion.

Supervisor Alcorn discussed the impacts that occur when Metro lines are closed.

Supervisor Walkinshaw and Supervisor Palchik jointly commented on the importance of Metro buses in allowing the community the necessary access to the Metro transportation services.

The question was called on the motion, and it carried by unanimous vote.

KK:kk

36. **3:30 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2020-DR-014 (MODERN MEDIA DESIGN, CORP.) TO PERMIT OFFICE IN A RESIDENTIAL DISTRICT, LOCATED ON APPROXIMATELY 15,125 SQUARE FEET OF LAND ZONED R-3, CRD AND SC (DRANESVILLE DISTRICT) (4:28 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 19 and 26, 2021.

The property is located at 1566 Chain Bridge Road, McLean, 22101. Tax Map 30-4 ((2)) (6) 41.

Lori R. Greenlief, Agent, McGuireWoods LLP, reaffirmed the validity of the affidavit for the record.

Joseph Onyebuchi, Planner, Department of Planning and Development, gave a presentation depicting the application and site location.

Ms. Greenlief had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, which included testimony by one speaker, Mr. Onyebuchi presented the staff and Planning Commission (PC) recommendations.

Following a query by Supervisor Foust, Ms. Greenlief confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated March 8, 2021.

Supervisor Foust moved approval of:

- Special Exception Application SE 2020-DR-014, subject to the proposed development conditions dated March 8, 2021

Chairman McKay seconded the motion and it carried by unanimous vote.

37. **3:30 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2018-PR-013 (WHITE GRANITE ASSOCIATES LLC) TO PERMIT RESIDENTIAL DEVELOPMENT WITH A TOTAL DENSITY OF 14.2 DWELLING UNITS PER ACRE, LOCATED ON APPROXIMATELY 1.27 ACRES OF LAND (PROVIDENCE DISTRICT)** (4:40 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 19 and 26, 2021.

The property is located in the northeast quadrant of Chain Bridge Road and Interstate 66, along the terminus of White Granite Drive. Tax Map 47- 4 ((1)) 14.

Lori R. Greenlief, Agent, McGuireWoods LLP, reaffirmed the validity of the affidavit for the record.

Daniel Creed, Planner, Department of Planning and Development, gave a presentation depicting the application and site location.

Ms. Greenlief had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Mr. Creed presented the staff and Planning Commission (PC) recommendations.

Supervisor Palchik moved approval of:

- Rezoning Application RZ 2018-PR-013, subject to the execution of proffers consistent with those dated February 3, 2021
- Waiver of Section 9-610 of the Zoning Ordinance of the four-acre minimum district size to allow the existing 1.27-acre property to be rezoned to the R-16 District
- Modification of the Transitional Screening Yard requirement and a waiver of the barrier requirement on the western lot line is requested in accordance with Sect. 13-305 of the Zoning Ordinance, to allow the landscaping as shown on the GDP to satisfy the requirement

- Modification of the Transitional Screening Yard requirement along a portion of the eastern lot line in accordance with of Sect. 13-105 of the Zoning Ordinance, to allow the landscaping as shown on the GDP to satisfy the requirement

Supervisor Lusk seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

38. **3:30 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2019-SU-020 (EB ALBEMARLE, LLC) TO REZONE FROM I-5, WS TO PDC, WS TO PERMIT MIXED-USE DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF 0.47 AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 27.87 ACRES OF LAND**

(AND)

PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 74-2-124 (EB ALBEMARLE, LLC) TO AMEND THE PROFFERS FOR REZONING APPLICATION RZ 74- 2-124 TO PERMIT DELETION OF LAND AREA, LOCATED ON APPROXIMATELY 28.52 ACRES OF LAND ZONED I-5 AND WS (SULLY DISTRICT) (4:49 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 19 and 26, 2021.

The property is located on the west side of Sully Road and east side of Lee Road, approximately 1,300 feet north of Willard Road. Tax Map 34-3 ((1)) 34 (pt.).

This property is located on the west side of Sully Road and east side of Lee Road, approximately 1,300 feet north of Willard Road. Tax Map 34-3 ((1)) 34.

Chairman McKay clarified for the record, the relationship that exists between the applications for EB Albemarle, LLC and Buchanan Partners, LLC, which will be heard after this item.

Chairman McKay stated that the land area, subject to the EB Albemarle, LLC and Buchanan Partners, LLC applications, is subject to specific Comprehensive Plan language, which recommends a coordinated development. At the applicant’s request, two separate rezoning applications, RZ 2019-SU-020 for EB Albemarle, LLC and RZ 2019-SU-003 for Buchanan Partners, LLC, were filed and therefore

each rezoning application will be heard and acted on separately, although they are closely related and have been reviewed together.

Chairman McKay stated that one of the EB Albemarle, LLC applications, Proffered Condition Amendment Application PCA 74-2-124, is seeking to delete land area from Rezoning Application RZ 74-2-124, and is also related to the Buchanan Partners, LLC cases. Specifically, if this application is approved, the majority of its land area would then be rezoned with the E.B. Albemarle, LLC case, but a small portion of the land will be rezoned through the next agenda item for Buchanan Partners LLC.

Chairman McKay stated that because Proffered Condition Amendment Application PCA 74-2-124, is seeking to delete land area and it is a 'pre-requisite' for both the Albemarle and Buchanan cases, it was advertised as concurrent public hearings for both cases so that, in the unlikely circumstance that the cases were separated, all necessary cases would still have been advertised and would be able to proceed.

Gregory A. Riegle, Agent, McGuireWoods LLP, reaffirmed the validity of the affidavit for the record.

Kelly Atkinson, Planner, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Riegle had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Ms. Atkinson presented the staff and Planning Commission (PC) recommendations.

Supervisor Smith moved approval of:

- Proffered Condition Amendment Application PCA 74-2-124
- Rezoning Application RZ 2019-SU-020 and its associated Conceptual Development Plan Application CDP 2019-SU-020, subject to proffers dated December 3, 2020
- Waiver of the 600' maximum private street length per Par. 2 of Sec. 11-302 of the Zoning Ordinance
- Waiver of the Route 28 service drive requirement per Sect. 7-0104 of the Public Facilities Manual

- Modification of Par. 5 of Sect. 6-206 of the Zoning Ordinance to permit greater than 50% of the gross floor area for residential use and to modify the secondary uses as referenced in the proffers
- Waiver of the major paved trail requirement per Par. 2 of Sect. 17-201 of the Zoning Ordinance along the east side of Lee Road (northern portion of property)
- Waiver and modification of Pars. 1 and 2 of Sect. 13-203 of the Zoning Ordinance for peripheral parking lot landscaping in favor of that shown on the CDP/FDP
- Waiver of the sidewalk requirement along Lee Road per Par. 2 of Sect. 17-201 of the Zoning Ordinance
- Modification of the transitional screening and barrier requirements, per Sect. 13-303 and Sect. 13-304 of the Zoning Ordinance, to modify internal transitional screening yard and barrier requirements within the PDC District per Par. 1 of Sect. 13-305

Chairman McKay seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

(NOTE: On January 27, 2021, the Planning Commission approved Final Development Plan Application FDP 2019-SU-020, subject to the development conditions dated November 24, 2020.)

39. **3:30 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2019-SU-003 (BUCHANAN PARTNERS, LLC) TO REZONE FROM I-5 AND WS TO PDC AND WS TO PERMIT MIXED-USE DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF 0.72 AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 37.97 ACRES OF LAND**

(AND)

PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 74-2-091 (BUCHANAN PARTNERS, LLC) TO AMEND THE PROFFERS FOR RZ 74-2-091 TO PERMIT DELETION OF LAND AREA, LOCATED ON APPROXIMATELY 37.33 ACRES OF LAND ZONED PDC AND WS

(AND)

PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 74-2-124 (EB ALBEMARLE, LLC) TO AMEND THE PROFFERS FOR RZ 74- 2-124 TO PERMIT DELETION OF LAND AREA, LOCATED ON APPROXIMATELY 28.52 ACRES OF LAND ZONED I-5 AND WS (SULLY DISTRICT) (4:57 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 19 and 26, 2021.

This property is located in the northwest quadrant of the intersection of Sully Road and Willard Road. Tax Map 34-3 ((1)) 34 (pt.); 34-3 ((14)) B, 2, 3, 4, 6; 44-1 ((17)) A, C, 1, 5.

This property is located in the northwest quadrant of the intersection of Sully Road and Willard Road. Tax Map 34-3 ((14)) B, 2, 3, 4 and 6; 44-1 ((17)) A, C, 1 and 5.

This property is located on the west side of Sully Road and east side of Lee Road, approximately 1,300 feet north of Willard Road. Tax Map 34-3 ((1)) 34.

Chairman McKay clarified that although Proffered Condition Amendment Application PCA 74-2-124 was listed as concurrent with this rezoning approval request, that case has already been approved by the Board as part of the previous public hearing.

Gregory A. Riegler, Agent, McGuireWoods LLP, reaffirmed the validity of the affidavit for the record.

Kelly Atkinson, Planner, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Riegler had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Ms. Atkinson presented the staff and Planning Commission (PC) recommendations.

Supervisor Smith moved approval of:

- Proffered Condition Amendment Application PCA 74-2-091
- Rezoning Application RZ 2019-SU-003 and its associated Conceptual Development Plan Application CDP 2019-SU-003, subject to the proffers dated January 15, 2021

- Proffered Condition Amendment Application PCA 74-2-124
- Waiver of the minimum 200 square foot privacy yard for single family attached dwellings per Par. 2 of Section 6-207 of the Zoning Ordinance
- Waiver of the 600' maximum length requirement for Private Streets per Par. 2 of Section 11-302 of the Zoning Ordinance
- Waiver of the Route 28 Service Drive requirement per Section 7-0104.1 of the Public Facilities Manual
- Modification of Par. 5 of Section 2-206 of the Zoning Ordinance to permit greater than 50 percent gross floor area for residential use
- Modification of the transitional screening and barrier requirements, per Sect. 13-303 and Sect. 13-304 of the Zoning Ordinance, to modify internal transitional screening yard and barrier requirements within the PDC District per Par. 1 of Sect. 13-305
- Waiver of the sidewalk requirement along Lee Road per Par. 2 of Sect. 17-201 of the Zoning Ordinance
- Modification of Sect. 13-202 of the Zoning Ordinance and PFM Section 12-0314 for interior parking lot landscaping for the existing parking garage
- Waiver of the loading space requirement per Sect. 11-203 of the Zoning Ordinance for the stacked, multifamily dwellings
- Waiver of Par. 10 of Sect. 11-102 of the Zoning Ordinance to permit the use of tandem parking spaces (driveway in line with a garage space) for the stacked, multifamily dwellings

Supervisor Foust and Chairman McKay jointly seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE."

(NOTE: On January 27, 2021, the Planning Commission approved Final Development Plan Application FDP 2019-SU-003, subject to the development conditions dated November 24, 2020.)

40.

3:30 P.M. - PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2020-SP-009 (HHP HOLDINGS, LLC) TO PERMIT A KENNEL AND

PERMIT AN INCREASE IN FENCE HEIGHT TO 8 FEET, LOCATED ON APPROXIMATELY 4.84 ACRES OF LAND ZONED R-C AND WS (SPRINGFIELD DISTRICT) (5:06 p.m.)

Supervisor Herrity moved to defer the public hearing on Special Exception Application SE 2020-SP-009 until **March 23, 2021 at 3:30 p.m.** Supervisor Lusk and Chairman McKay jointly seconded the motion and it carried by unanimous vote.

41. **4 P.M. - PUBLIC HEARING ON A PROPOSAL TO VACATE PORTIONS OF SAINT AUGUSTINE LANE AND SAINT AUGUSTINE COURT (PROVIDENCE DISTRICT)** (5:07 p.m.)

(Os) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 29 and February 5, 2021.

Jeffrey Edmondson, Planner, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Palchik moved that the Board adopt the attached ordinance (Attachment III of the Board Agenda Item) for vacation of the subject right-of-way.

Supervisor Gross seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE."

42. **4 P.M. - PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTIES FOR THE PURPOSE OF INSTALLING SOLAR FACILITIES (BRADDOCK, DRANESVILLE, HUNTER MILL, LEE, MASON, MOUNT VERNON, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)** (5:11 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 19 and 26, 2021.

Kathleen Daley, Environmental Specialist, Office of Environmental and Energy Coordination, presented the staff report.

Chairman McKay asked if there is a contract timeline when the solar panels would be erected. Ms. Daley stated that there are several preliminary steps to be completed prior to the installation of the solar panels. There is no exact timeline but staff will

monitor the status of the projects and report back to the Board at a future Environmental Committee meeting.

Chairman McKay asked unanimous consent that the Board direct staff to provide periodic updates on the installation timeline to the Board. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that Board direct staff to provide advance notice to the Board regarding any potential construction taking place so staff can meet with the public accordingly and not be in conflict with any ongoing construction. Without objection, it was so ordered.

Following the public hearing, which included testimony by two speakers, Supervisor Storck moved that the Board authorize staff to lease County-owned property at 12099 Government Center Parkway, 9916 Georgetown Pike, 1437 Balls Hill Road, 1315 Beulah Road, 1234 Ingleside Avenue, 6209 Rose Hill Drive, 7250 Commerce Street, 5920 Summers Lane, 6507 Columbia Pike, 7415 Arlington Boulevard, 8100 Fordson Road, 6900 Newington Road, 8221 Willow Oaks Corporate Drive, 4500 West Ox Road, 12720 Lee Highway, 6450 Sydenstricker Road, 3609 Jermantown Road, 1820 Wiehle Avenue, 5316 Carolina Place, 9518 and 9520 Richmond Highway, 8701 Lukens Lane, and 13800 Wall Road to Sigora Solar, LLC.

Supervisor Gross and Chairman McKay jointly seconded the motion and it carried by unanimous vote.

43. **4 P.M. - PUBLIC HEARING TO CONVEY BOARD-OWNED PROPERTY AT THE FRANCONIA GOVERNMENTAL CENTER TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (LEE DISTRICT)** (5:32 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 19 and 26, 2021.

Michael Lambert, Assistant Director, Facilities Management Department, presented the staff report.

For confirmation in the record, Chairman McKay asked if the Franconia Volunteer Fire Station had been consulted about future expansion or renewal efforts that they may have to undertake. He asked that those issues continue to be addressed even after this transfer, if approved. Mr. Lambert stated that the fire department had been consulted and staff will continue to work with them.

Following the public hearing, Supervisor Lusk moved that the Board authorize staff to prepare and execute all documentation necessary to convey approximately 3

acres of Board-owned property at the Franconia Governmental Center, located at 6121 Franconia Road and generally identified as Tax Map 81-3 ((5)) 02A, 2B, 021C and 3A and Tax Map 81-3 ((8)) 0503, to the FCRHA, subject to the condition that the property must be used to create an affordable housing development. If FCRHA no longer pursues this project, they will be required to transfer ownership of the property back to the Board. Supervisor Palchik seconded the motion and it carried by unanimous vote.

44. **4 P.M. - PUBLIC HEARING ON A NEW AND MODERNIZED ZONING ORDINANCE TO REPLACE THE CURRENT ZONING ORDINANCE**
(5:42 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 19 and 26, 2021.

Carmen Bishop, Deputy Zoning Administrator, Department of Planning and Development, and Casey Judge, Senior Planner, Department of Planning and Development, presented the staff report.

Following the public hearing which included testimony by 70 speakers, Supervisor Smith moved that the Board defer decision-only for a new and modernized zoning ordinance to replace the current zoning ordinance to **March 23, 2021, at 3:30 p.m.** Supervisor Alcorn and Chairman McKay jointly seconded the motion.

Supervisor Smith asked staff to provide the Board with background information on why certain height and size recommendations were recommended.

Chairman McKay asked staff to provide information to the Board on how the original recommendations were created, knowing that the Planning Commission voted in opposition and provided them their recommendations. Ms. Bishop detailed for the Board how staff came up with the recommendations.

Chairman McKay asked what the findings were for neighboring jurisdictions in relation to flagpoles and flags. Ms. Judge stated that there is a range of limits on the height and size of flagpoles and flags in neighboring jurisdictions.

Supervisor Gross asked if the Board had the authority to regulate the proportionality of flags. She also asked if a building permit would be required for flagpoles over 25-feet.

Leslie Johnson, Zoning Administrator, Department of Planning and Development, stated that flagpoles over 30-feet would be required to have a building permit. She noted that staff would research the question on the Board's authority to regulate proportionality and provide the Board with that information at a later date.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide a list of the issues and complaints received regarding flags over the last several years. Without objection, it was so ordered.

Supervisor Smith clarified that even though staff is recommending a maximum of two flagpoles, the public hearing was advertised for up to three flagpoles.

Chairman McKay asked that the Board submit questions in writing to staff and that the entire Board receive the same information.

Supervisor Herrity asked if Supervisor Smith could devote some time at the upcoming Land Use Committee meeting on March 16, 2021, for further discussion on this matter before the Board takes action on March 23, 2021.

Supervisor Smith noted that a lot of the questions being asked have been answered in the material previously provided by staff. She requested that the Board review the material and stated that she will work with Chairman McKay to determine the best way to move forward as a Board on this matter.

The question was called on the motion, and it carried by unanimous vote.

45. **BOARD ADJOURNMENT** (10:40 p.m.)

The Board adjourned.